

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RADHA BHAKTA d/b/a THE GRAND	)	CASE NO. 8:22-cv-0055
MOTEL, an individual,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>NOTICE OF REMOVAL AND</b>
	)	<b>JURY DEMAND</b>
STATE FARM FIRE AND CASUALTY	)	
COMPANY, an Illinois corporation,	)	
	)	
Defendant.	)	

COMES NOW Defendant, State Farm Fire and Casualty Company ("State Farm"), by and through its counsel, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes this lawsuit from the District Court of Adams County, Nebraska to the United States District Court for the District of Nebraska. In support thereof, State Farm states as follows:

1. On January 13, 2022, the Plaintiff, Radha Bhakta d/b/a The Grand Motel, filed a Complaint against the Defendant, State Farm Fire and Casualty Company. A true and correct copy of the Complaint is attached hereto as Exhibit "1."
2. On January 18, 2022, the Plaintiff effected service of the Complaint upon State Farm.
3. The Plaintiff's Complaint alleges claims under a policy of insurance issued by State Farm arising from a weather-related event which caused damage to Plaintiff's property occurring on or about July 27, 2020 (Complaint ¶ 9). The Complaint alleges claims against State Farm for breach of contract (Complaint ¶¶ 22, 27) and bad faith (Complaint ¶¶ 34, 35). The Complaint also makes a claim for prejudgment interest, post-judgment interest, attorney fees, costs and expenses (Complaint ¶¶ VI(a) - (d)).
4. The Plaintiff is a resident of Adams County, Nebraska (Complaint ¶ 1).

5. State Farm is a stock insurance company organized and incorporated under the laws of the State of Illinois with its principal place of business located in Bloomington, Illinois (Declaration of Michael Roper attached as Exhibit "2").

6. Plaintiff's Complaint alleges that State Farm owes and additional \$63,153.86 in replacement cost benefits under the Policy (Complaint ¶19). In addition, Plaintiff alleges "consequential damages" including fees and expenses owed to Premier Claims for public adjusting services." (Complaint ¶36) The Complaint does not provide the amount of such "consequential damages." However, by letter dated November 15, 2021, Plaintiff made demand for settlement in the amount of \$91,145.83, in excess over the amount already paid by State Farm (Affidavit of Rich Priebe attached as Exhibit "3"). The settlement demand included attorney fees and the amount paid to the public adjuster (*Id.*). The amount of the settlement demand after subtracting the claim for attorney fees is \$81,296.97 (*Id.*). By letter dated May 21, 2020, State Farm rejected Plaintiff's demand (*Id.*).

7. Removal to the United States District Court for the District of Nebraska is proper because there is complete diversity of citizenship between the parties to this lawsuit and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. 28 U.S.C. §§ 1332, 1441, and 1446.

8. This Notice of Removal is timely filed in accordance with 28 U.S.C. §1446 and Federal Rule of Civil Procedure 6. A true copy of this Notice of Removal is concurrently being filed with the Clerk of the District Court of Adams County, Nebraska, as required by 28 U.S.C. §1446(d).

9. State Farm requests a trial by jury on all matters raised in the above-captioned lawsuit and prays that the Court holds such jury trial in the United States District Court located in Omaha, Nebraska.

10. The Complaint is attached as Exhibit "1." Copies of all other process, pleadings, and orders filed in the District Court of Adams County, Nebraska, are attached as Exhibit "4." There are no matters pending in the state court action requiring resolution.

WHEREFORE, State Farm requests removal of the above-captioned lawsuit from the District Court of Adams County, Nebraska to the United States District Court for the District of Nebraska and that a jury trial be held in the United States District Court located in Omaha, Nebraska.

DATED this 16<sup>th</sup> day of February, 2022.

STATE FARM FIRE AND CASUALTY  
COMPANY, Defendant,

BY: /s/ Rex A. Rezac  
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